

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, April 7, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—excused—Senators Bowers and Flanagan.

Prayer by the Chaplain.

On motion of Senator Pyle, the reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Mills: a petition of the citizens of Grimes county, protesting against the removal of the county site of said county. Read and referred to the Committee on Counties and County Boundaries.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, April 5, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 301, entitled "An act to incorporate the city of Navasota, Texas," after careful consideration, instruct me to report the same back and recommend its passage, with accompanying amendments.

S. W. FORD,
Chairman.

Amendments to Senate bill No. 301: Amend by adding to section three, the following: "And that whenever complaint is made to the district judge, under oath, by any person or persons, accusing the mayor or any member of the board of aldermen, or any officer appointed by them, or elected by authority of this act, of malfeasance, misfeasance or nonfeasance in office, or any neglect of duty, he shall immediately examine into the truth of said charges, and if true he shall remove the person or persons from office at once."

COMMITTEE ROOM,
AUSTIN, April 5, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 399, entitled "An act to incorporate the town of Waxahachie, in Ellis county, after careful consideration, instruct me to report the same back and recommend its passage, with the accompanying amendment.

Respectfully,

S. W. FORD,
Chairman.

Amendments of Committee on State Affairs to House bill No. 399: Amend-section three, line three, by striking out the words "six months" and inserting the words "thirty days."

COMMITTEE ROOM,
AUSTIN, April 5, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 415, entitled "An act to incorporate the city of Marshall and to grant a new charter to said city," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments.

Respectfully,

S. W. FORD,
Chairman.

Amendments to House bill No. 415 by Committee on State Affairs: Amend article one, line five, by striking out the word "perpetual."

Amend article three by striking out all of said article after the word "second," in line four.

COMMITTEE ROOM,
AUSTIN, April 5, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs to whom was referred House bill No. 426, to be entitled "An act to incorporate the Seago Mills Manufacturing Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 5, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 330, to be entitled "An act to incorporate the

Austin Gaslight and Coke Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 5, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 439, entitled "An act to incorporate the Jefferson Ice Manufacturing Company," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 5, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 262, entitled "An act to incorporate the San Antonio River Valley Irrigation Company," after careful consideration, instruct me to report the same back, and recommend its passage with the accompanying amendment.

Respectfully,

S. W. FORD,
Chairman.

Amendment to House bill No. 262, by Committee on State Affairs: Amend section three, lines twelve and thirteen, by striking out the words "and their decision shall be final without appeal," and inserting the words "and in fixing the value of such land full allowance shall be made for damages sustained by the owner to lands lying adjacent thereto."

COMMITTEE ROOM,
AUSTIN, April 5, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on State Affairs to whom was referred Senate bill No. 271, entitled "An act to prohibit the sale of intoxicating or spirituous liquors within the vicinity of Owensville," after

careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments.

Respectfully,

S. W. FORD,
Chairman.

Amendments to Senate bill No. 271, by Committee on State Affairs:

Amend section one, line five, by striking out the word "town" and inserting the word "seminary."

Amend section two, line three, by striking out the word "fifty" and inserting the word "ten."

Reports read and laid over under the rules.

Report of Committee on Roads Bridges and Ferries:

COMMITTEE ROOM,
AUSTIN, April 7, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 299, to be entitled "An act to incorporate the Navasota Ferry Company," have carefully considered the same, and instruct me to report it back with the recommendation that it pass.

J. G. BELL,
Chairman.

Report read and laid over under the rules.

Reports of Committee on Immigration.

COMMITTEE ROOM,
AUSTIN, April 6, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Immigration, to whom was referred Senate bill No. 100, an act to be entitled "An act to incorporate the Northwestern Land and Immigration Company," have had the same under consideration, and beg to report the same back to your honorable body, with the recommendation that it do pass.

W. H. PARSONS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Immigration, to whom was referred Senate bill No. 305, "An act to incorporate the Texas Immigra-

tion Company," have had the same under consideration, and beg to report the same back to your honorable body, with the recommendation that it do not pass.

W. H. PARSONS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Immigration, to whom was referred Senate bill No. 264, "An act to incorporate the Texas Emigration Land Company," have had the same under consideration, and beg to return the same to your honorable body, with the recommendation that it do pass.

W. H. PARSONS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Immigration, to whom was referred Senate bill No. 234, "An act to incorporate the North Texas Land and Immigration Company," have had the same under consideration, and beg to return the same back to your honorable body, with the recommendation that it do pass.

W. H. PARSONS,
Chairman.

Reports read and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, April 6, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Immigration, to whom was referred Senate bill No. 308, "An act to organize the Bureau of Immigration," have had the same under consideration, and beg to return the same back to your honorable body and recommend that it do pass with the following amendments: Amend, at the end of last line, section two, add "three thousand five hundred dollars;" in section eight, line three, amend, after the word "Europe" add "not more than one agent for the United States and two for Europe," of the latter one for Great Britain and one for the continent; amend section eight, after the word "provided," in the last line, add "said

salary not to exceed thirty-five hundred per annum;" in section nine, after the words "sum of," add the words "thirty thousand dollars."

W. H. PARSONS,
Chairman.

On motion of Senator Parsons, the rules were suspended to consider the report, and on further motion, the report and Senate bill No. 308 made the special order for Monday next at 12 o'clock M.

Senator Ruby asked that the select committee appointed yesterday to examine into the matter of the lost evidence in the case of the Senatorial election in Cherokee county, be allowed to retire from the Senate Chamber for the purpose of proceeding with their investigations.

There being no objection, leave was granted.

BILLS AND RESOLUTIONS.

By Senator Cole: a bill (Senate bill No. 328) to be entitled "An act to incorporate the International Insurance Company." Read first time and referred to the Committee on State Affairs.

By Senator Parsons: a bill (Senate bill No. 329) to be entitled "An act incorporating the Texas and Europe Steamship Company." Read first time and referred to the Committee on Immigration.

By Senator Gaines: a bill (Senate bill No. 330) to be entitled "An act to incorporate the Hebrew Benevolent Society of Brenham, in the county of Washington." Read first time and referred to the Committee on Education.

By Senator Ruby: a bill (Senate bill No. 331) to be entitled "An act to incorporate the Galveston Trunk Railroad Company." Read first time and referred to the Committee on Internal Improvements.

BILLS ON THIRD READING.

Senate bill No. 156, an act to be entitled "An act to invest the perpetual school fund," with substitute.

House substitute for Senate bill No. 156, "An act to invest the principal of the perpetual school fund."

Senator Pickett moved that the Senate do not concur in the House amendment to Senate bill No. 156. Yeas and nays called for, and motion lost by the following vote:

Yeas—Baker, Broughton, Dillard, Douglass, Evans, Gaines, Latimer, Pickett, Pridgen, Pyle, Shannon—11.

Nays—Mr. President, Bell, Fountain, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Saylor, Tendick—12.

Senator Fountain moved that the Senate concur in the House amendment to Senate bill No. 156.

Yeas and nays called for and motion carried, by the following vote :

Yeas---Mr. President, Baker, Bell, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Saylor, Tendick—15.

Nays---Broughton, Dillard, Douglass, Evans, Latimer, Pickett, Pyle, Shannon---8.

11 o'CLOCK A. M.

The hour having arrived for the consideration of special order, report of Committee on Privileges and Elections, in the case of the senatorial election in Cherokee county, on motion of Senator Gaines the special order was postponed to 11:30 A. M.

BILLS ON SECOND READING.

House bill No. 120, "An act to authorize the presiding justices of the several counties to perform certain acts for the benefit of idiots and insane persons." Read second time.

House bill No. 391, "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870." Read second time.

On motion of Senator Fountain, the rules were suspended and House bill No. 391 read third time and passed.

House bill No. 307, "An act for the protection of the growth of pecan timber." Read second time and passed to a third reading.

On motion of Senator Fountain, the rules were suspended and House bill No. 307 read third time and passed.

Senator Ruby submitted the following report of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, April 7, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills No. 217, "An act to incorporate the town of Ysleta, in El Paso county," and No. 9, "An act authorizing the

county courts to sell the school lands situated in their respective counties," find the same to be correctly engrossed.

G. T. RUBY.

P. W. HALL.

Report read and received.

By leave, Senator Parsons presented the following report of Committee on Internal Improvements:

Report of Committee on Internal Improvements:

COMMITTEE ROOM,
AUSTIN, April 7, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 318, to be entitled "An act to organize and incorporate the Marshall, Texas, and Malsfield, Louisiana, Railroad Company," beg leave to report favorably upon the same and recommend its passage.

W. H. PARSONS, Chairman.

J. P. DOUGLAS,

THOS. H. BAKER,

W. A. SAYLOR,

D. W. COLE,

W. H. PYLE,

J. G. BELL,

J. S. MILLS.

Report read and laid over under the rules.

Under direction of the President, the Secretary carried to the House, with the action of the Senate, the following House bills:

House joint resolution No. 10. "Joint resolution authorizing the Secretary of State to present one Winchester carbine to each of the persons who overtook and killed four of a band of hostile Indians." Passed April 6.

House bill No. 20, "An act to incorporate the Casino Society of Indianola." Passed April 6.

House bill No. 21, "An act to incorporate the Mission Valley Pontoon Bridge Company." Passed April 6.

House bill No. 464, "An act for the relief of William Scanlan, late Assessor and Collector, Cameron county, Texas." Passed April 6.

Also, with amendments:

House bill No. 14, "An act to incorporate the Casino Society of Victoria." Passed April 6; also,

House bill No. 13, "An act to incorporate the Gymnastic Association of Yorktown." Passed April 5.

Also, for signature of the Speaker, the following enrolled bills:

Senate bill No. 114, "An act to authorize A. R. Parsons and J. A. Helms to erect a toll bridge over Richland creek, in the county of Navarro."

Senate bill No. 37, "An act to incorporate the Cuero Bridge Company."

Senate bill No. 279, "An act to incorporate the Belton Bridge Company."

Senate bill No. 38, "An act to incorporate the Kemper City Bridge Company."

Senate bill No. 151, "An act to incorporate the city of Groesbeck, in Limestone county."

BILLS ON SECOND READING—Resumed.

House bill No. 81, "An act to authorize the county courts of the several counties of this State to sell one set of the Texas Supreme Court Reports, now the property of their respective counties."

Read second time.

Senator Fountain moved that House bill No. 81 be indefinitely postponed. Carried.

House bill No. 60, "An act to incorporate the town of Cleburne, in Johnson county." Read second time.

On motion of Senator Shannon the following amendments reported by the Committee on State Affairs were adopted: Amend section four, line sixteen, strike out the word "tax" and insert the word "fine;" same line, strike out the word "levied" and insert the word "imposed."

House bill No. 69, "An act to amend an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870."

Read second time.

On motion of Senator Saylor the rules were suspended, and House bill No. 69 read third time and passed.

House bill No. 44, "An act to make an appropriation to pay the late assessors and collectors for taking the scholastic census in the several counties of this State." Read second time.

11:30 o'clock, A. M.

The hour for the postponed special order (report of Committee on Privileges and Elections in case of the senatorial election in Cherokee county) having arrived, on motion of Senator Baker the special order was further postponed until the subject under consideration, House bill No. 44, be disposed of.

On motion, the rules were suspended, and House bill No. 44 read third time and passed.

Message from the House by the Chief Clerk, transmitting for concurrence the following House bills :

House bill No. 343, to be entitled "An act to incorporate the town of Winsborough, in Wood county."

House bill No. 385, "An act to incorporate the town of Lexington, in Burleson county."

House bill No. 409 "An act to incorporate the city of Brenham, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter."

Also, informing the Senate that the House had passed, without amendments, Senate bill No. 196, "An act to incorporate the city of Hearne."

Also, that the House has agreed to Senate amendments to House bill No. 3, entitled "An act to incorporate the Alamo Literary Society of the city of San Antonio," by striking out "section three."

Also, to the following Senate amendments to House bill No. 115, to be entitled "An act to regulate the keeping and bearing of deadly weapons."

Senate amendments to House bill No. 115 :

1. Amend section one, line three, by adding after the word "person" the words "saddle, or in his saddle-bags."

2. Amend section one, line three, by striking out the words "having or" and inserting in the same line, after the word "carrying," the words "on or."

3. Amend section one, line five, by inserting after the word "spear" the words "brass knuckles," in parenthesis.

4. Amend section one, line nine, by striking out all after the word "person," down to and including the word "property," and inserting in the same place the words "and that such ground of attack shall be immediate and pressing."

5. Amend section one, line eleven, by inserting after the word "same" the words "on or."

6. Amend section one, line twelve, after the word "State" by inserting the words "as a militia man in actual service."

7. Amend section one, line thirteen, by inserting after the word "officer" "or policeman."

8. Amend section one, line nineteen, by inserting after the word "on" the words "or about."

9. Amend section one, line twenty, by striking out after the word "offense" the word "shall," and substituting the word "may" in lieu thereof.

10. Amend section one by adding thereto: "*Provided*, that this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers and other civil officers from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the State from keeping or carrying arms with their baggage."

11. Amend section one--add the following: "*Provided further*, that members of the Legislature shall not be included under the term "civil officers," as used in this act."

12. Amend section three, line eighteen, by inserting after the word "spear," the words "brass knuckles."

13. Amend section three, line twenty-eight, by striking out the word "shall" and inserting the word "may."

14. Amend section three, line thirty, by striking out the words "less than," and line thirty-one the words "thirty nor."

15. Amend section five, line eight, by striking out the words "police or."

16. Amend section six, line six, by striking out the word "him" and inserting in lieu thereof "such person."

Also that the House has agreed to the following Senate amendment to House bill No. 163, to be entitled "An act to incorporate the Austin Hook and Ladder Company No. 1, of the city of Austin:"

Amend section one, lines eight and nine, by striking out the word "perpetual."

And the following Senate amendment to House bill No. 214, to be entitled "An act to incorporate the Washington County Banking and Insurance Company:"

Amend section one, line seven, by inserting after the name of "A. H. Rippetoe" the name of "Edward T. Randall."

And to the following Senate amendment to House bill No. 231, to be entitled "An act to incorporate the Washington County Fair Association:"

Amend section one by inserting after the name of "John Sayles" the names of "S. A. Hackworth and Edward T. Randall."

Also to the following Senate amendment to House bill No. 400, to be entitled "An act to incorporate the town of Burnet, in Burnet county:"

Amend section six, line three, by inserting after the word "transaction" the words "of business."

Also to the following Senate amendment to House bill No. 134, to be entitled "An act to amend 'an act to incorporate the town of Clarksville, Red River county,' approved January 31, 1852:"

Amend section two by striking out all of the same after the word "corporation," in line seven.

And has receded from the following House amendment to Senate bill No. 109, to be entitled "An act to authorize J. F. Smith and J. Easley to erect a toll bridge over the mouth of Guthrie creek, and the swamp channel of Grace's creek, in the county of Upshur, and State of Texas:"

Strike out the name of "J. Easley," in section one and caption, and insert in lieu thereof the name of "D. T. Easley."

Also, that the House has agreed to the following Senate amendments to House bill No. 12, to be entitled "An act to incorporate the town of Kosse, in Limestone county:

Amend section one, line twelve, by adding after the word "corporation" the following, "and the limits of said corporation shall be one mile square."

Amend section fifteen, line six, by inserting after the word "one" the word "half;" in line eight strike out the word "five;" strike out all of said section after the word "half," in line nine, and insert the words "of one per cent."

Amend section twenty, line one, by striking out the word "mayor," and adding to section twenty the following: "and it shall be the duty of the District Judge, whenever complaint is made to him under oath, by any person or persons accusing the mayor or any member of the board of aldermen of malfeasance, nonfeasance or neglect of duty in office, to immediately examine into the truth of the said charges, and if true, he shall remove such person or persons from office at once."

And has disagreed to the following Senate amendment to House bill No. 12: Amend section one, line two, by inserting after the word "Kosse" the word "Mugginsville."

Also, that the House has agreed to the following Senate amendments to House bill No. 37, to be entitled "An act to amend an act entitled 'an act to establish a State police and provide for the regulation of the same,' approved July 1, 1870:"

Amend section one, after the word "officer," line twenty, by striking out the words "and non-commissioned officer shall receive twenty-five dollars," and inserting in lieu thereof the words "shall receive thirty dollars per month, each non-commissioned officer twenty-five dollars per month, and each private twenty dollars per month, in addition to said pay."

Amend section four, line four, by inserting after the word "conveyance" the words "to act as."

Amend section four, line nine, by adding after the word "act," the words "and such conductors, so authorized, shall have all the power and authority of peace officers under the laws of this State."

And has disagreed to the following Senate amendments to House

bill No. 37, the words proposed to be struck out not occurring in the bill:

Amend section four, line three, by striking out the word "appoint" and inserting in lieu thereof the word "authorize."

Amend section four, line seven, by striking out the word "appointed" and inserting in lieu thereof the word "authorized."

Also, that the House has agreed to the following Senate amendments to House bill No. 6, to be entitled "An act to incorporate the town of Fairfield, in Freestone county :"

Amend section two, line two, by inserting after the word "corporation" the words "at the next general election and every two years thereafter."

Amend section three by striking out the words "within sixty days after the passage of this act," in line three.

And has disagreed to the following Senate amendment to House bill No. 6 :

Amend section thirteen by striking out all after the word "passage," in line two.

Also, informing the Senate that the House had disagreed to the following Senate amendment to House bill No. 25, to be entitled "An act to incorporate a Gymnastic Association at New Braunfels, under the name and style of 'Turnverien New Braunfels:'" Amend by striking out section two.

And has appointed, as Committee of Conference, Messrs. Zoeller, Morris and McLean, asking the appointment of a like committee on the part of the Senate.

Also, that the House insists on the following House amendment to Senate bill No. 29, to be entitled "An act to incorporate the Texas Cotton Spinning and Manufacturing Company:" Amend section two by adding the following: "The property, real and personal, of said Company, shall be exempt from State and county taxes for the space of five years."

And has appointed as committee to confer with a like committee on part of the Senate, the following gentlemen: Messrs. Morris, Plumley and Becton.

Also, that the House has disagreed to the following Senate amendments to House bill No. 55, to be entitled "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856, and to repeal an act entitled 'an act to amend articles 412 and 418 of an act entitled an act to adopt and establish a penal code for the State of Texas,' approved December 16, 1863 :"

Amend by striking out the whole of "section two."

Amend by changing the number of section three to section two.

Also, that the House has disagreed to the following Senate amendment to House bill No. 114, to be entitled "An act to incorporate the Jefferson City Street Railway Company:"

Amend section one by striking out the names of "E. Marx, W. G. Robinson, C. W. Garland and T. B. Borst."

Also, that the House has disagreed to the following Senate amendment to House bill No. 89, to be entitled "An act to incorporate the Galveston Seamen's Home:" Amend section four, lines thirteen and fourteen, by striking out all after the word "by-laws."

Also, informing the Senate that the House has appointed as committee to confer with a like committee on part of the Senate on Senate amendment to House bill No. 73, to be entitled "An act to authorize John Farrell and J. J. T. Wright to keep a ferry on Big Cypress Bayou," Messrs. Morris, Locke and Ellis.

Also, informing the Senate that the House had adopted Senate substitute to House bill No. 47, entitled "An act supplemental to and amendatory of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, A. D. 1870."

Also, returning Senate bill No. 109, and informing the Senate that the House recedes from its amendment thereto.

On motion of Senator Gaines, the consideration of postponed special order (report of Committee on Privileges and Elections in the case of the senatorial election in Cherokee county) was further postponed and made the special order for Monday next at 11:30 o'clock A. M.

On motion of Senator Gaines, the Senate, at 11:35 o'clock A. M., adjourned to 10 o'clock A. M., Monday.
